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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,790	05/26/2005	Oliver Lapp	E-HE-0039	2875

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EXAMINER

DOAN, JENNIFER

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/536,790

Applicant(s)

LAPP, OLIVER

Examiner

Jennifer Doan

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-35 and 41-44 is/are allowed.
- 6) ☒ Claim(s) 23-26 and 36 is/are rejected.
- 7) ☒ Claim(s) 27-31 and 37-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 052605.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 05/26/05, have all been considered and made of record (note the attached copy of form PTO-1449).

### ***Drawings***

3. The drawings, filed on 05/26/05, are accepted.

### ***Specification***

4. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

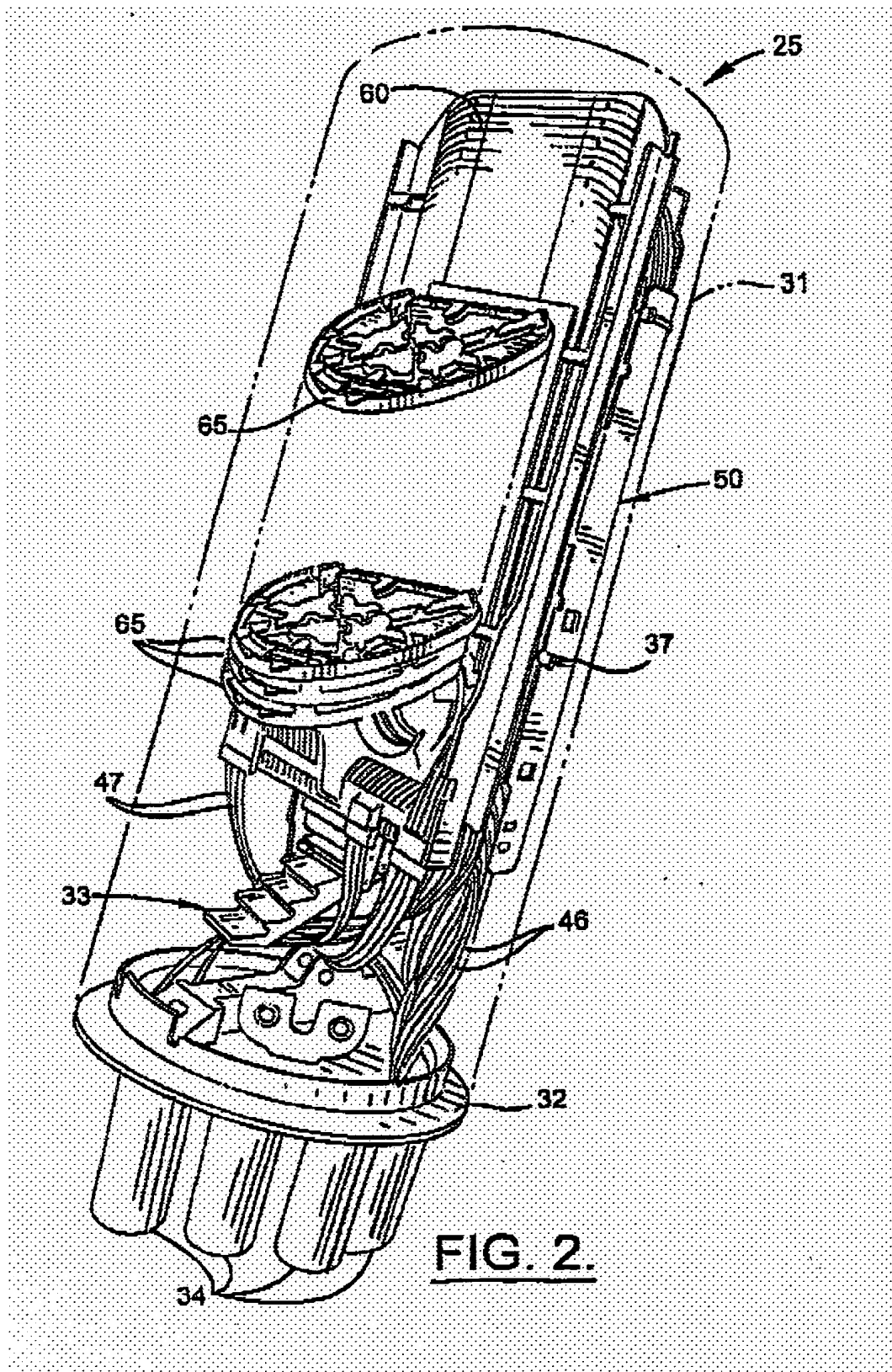
6. Claims 23-26 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Ray et al. (U.S. 6,009,225).

With respect to claim 23, Ray et al. (figures 2 and 6) disclose a device for storing and handling optical waveguides comprising a frame (60) and a plurality of splice cases (37 and 65) arranged one above the other on a front side and on a rear side of the frame (60) and pivotably fastened to the frame, wherein fiber guiding elements for optical fibers (70) are fastened at least to one vertically running narrow side of the frame such that the optical fibers are guided laterally next to the splice cases in the region of the narrow side (see figure 2 and column 6, lines 3-9 and 19-22).

With respect to claims 24-26, Ray et al. disclose the device, wherein the fiber guiding elements are fastened exclusively to one vertically running narrow side of the frame, and wherein the optical fibers are guided laterally next to the splice cases exclusively in the region of the one narrow side (see figures 2 and 6); wherein the fiber guiding elements are fastened to both vertically running narrow sides of the frame, and wherein the optical fibers are guided laterally next to the splice cases in the region of both narrow sides (see figure 2) and wherein the fiber guiding elements arranged in the region of the narrow side form at least two vertically running guiding channels for optical fibers, a first guiding channel being assigned to the front side of the frame and a second guiding channel being assigned to the rear side of the frame (see figure 2).

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With respect to claim 36, Ray et al. (figures 2, 5 and 6) disclose a device for storing and handling optical waveguides comprising a frame (60) and a plurality of splice cases (37 and 65) arranged one above the other on a front side and on a rear side of the frame (60) and pivotably fastened to the frame, and guiding channels arranged within the splice cases such that the optical fibers are guided within the splice cases in a circular manner (see figures 2 and 5 and column 7, lines 2-6).



***Allowable Subject Matter***

7. Claims 27-31 and 37-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose or reasonably suggest the device, wherein the two guiding channels are spatially separated from one another by at least one vertically running separating wall, and wherein the separating wall has an aperture in a lower portion so that the optical fibers are diverted from the first guiding channel into the second guiding channel, and consequently from the front side of the frame to the rear side of the frame as recited in claim 27; wherein each of the guiding channels is subdivided into two guiding channel components such that at least two vertically running guiding channel compartments extend in the region of the front side of the frame and in the region of the rear side of the frame as recited in claim 28; wherein the fiber guiding elements fastened to the narrow side form curved guiding channels such that individual optical fibers may be fed to the splice cases through the curved guiding channels as recited in claim 31 and wherein the guiding channels are arranged such that at least three interlinked and overlapping circular guides are formed in each splice case as recited in claim 37.

8. Claims 32-35 and 41-44 are allowed.

The prior art of record fails to disclose or reasonably suggest a device for storing and handling optical waveguides comprising a drawer that is guided in the frame and

can be pulled out in the horizontal direction from a first vertically running narrow side of the frame, the drawer being arranged in the pushed-in position between the splice cases arranged on the front side and the splice cases arranged on the rear side of the frame, the drawer configured for storing uncut multi fiber buffer tubes of optical fibers in combination with the other limitations of claim 32.

The prior art of record also fails to disclose or reasonably suggest a device for storing and handling optical waveguides comprising optical fibers are guided by cylindrical axial bodies of the splice cases such that a direction of insertion of the optical fibers into a splice case runs approximately parallel to a pivoting axis of the respective splice case, and wherein the cylindrical axial body of a respective splice case is axially slit such that the optical fibers can be inserted into the cylindrical axial body in the radial direction through an opening therein in combination with the other limitations of claim 41.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goetter et al. (U.S. 5,825,964) disclose optical fiber splice cases.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00 am to 3:30 pm, second Friday off.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JD

July 7, 2006



**JENNIFER DOAN**  
**PRIMARY EXAMINER**